

Subject:	Hackney Carriage Stands, South Street, Bacup and King Street, Bacup	Status:	For Publication
Report to:	Licensing Committee	Date:	12 th March 2013
Report of:	Director of Business	Portfolio Holder:	Customers, Legal and Licensing
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Community Impact Assessment:	Required:	Yes	Attached: No
Biodiversity Impact Assessment	Required:	Yes	Attached: No
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1.	RECOMMENDATION(S)
1.1	It is recommended that the Licensing Committee determine to revise their decision to appoint a hackney carriage stand for three hackney carriages at South Street, Bacup (South Side) under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976
1.2	It is recommended that the Licensing Committee determine to revise their decision to appoint a hackney carriage stand for six hackney carriages at South Street, Bacup (South Side) under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976
1.3	It is recommended that the Licensing Committee determine to revise their decision to appoint a hackney carriage stand for two hackney carriages at South Street, Bacup (South Side) under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
1.4	It is recommended that the Licensing Committee determine to revise their decision to appoint a hackney carriage stand for Five hackney carriages at King Street, Bacup under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.

2. PURPOSE OF REPORT

2.1 To request the Committee revise their decisions of 23rd October 2012 and 4th December 2012 to formally appoint, under section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the adoption of hackney carriage stands for:

- three hackney carriages on South Street, Bacup
- six hackney carriages on South Street, Bacup
- two hackney carriages on South Street, Bacup , and;
- five hackney carriages on King Street, Bacup

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and

well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

4.1 There are no specific risk issues for members to consider arising from this report.

5. BACKGROUND AND OPTIONS

- 5.1 Rossendale Borough Council licences hackney carriage drivers and vehicles, private hire drivers, vehicles and operators, under the provisions of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 Private hire drivers and vehicles are operated through private hire operators and are not permitted to ply for hire or wait on hackney carriage stands.
- 5.3 Hackney carriages are one of the oldest forms of public transport and an important part of the overall passenger transport infrastructure of the country. Hackney carriages can ply for hire in a street or other public places and indeed, by virtue of bye-laws within the Borough of Rossendale, are obliged to return to a hackney carriage stand after completing each hire.
- 5.4 The adoption of a taxi stand makes it an offence under section 64 of the Local Government (Miscellaneous Provisions) Act 1976 for any person to cause or permit any vehicle other than a hackney carriage to wait on any stand for hackney carriages during any period for which that stand has been appointed, or is deemed to have been appointed, by a district council under the provisions of section 63 of the Act.
- 5.5 Current details of hackney carriage stands appointed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976 by Rossendale Borough Council are appended at Appendix A.
- 5.6 The hackney carriage stands appended at Appendix A were all appointed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976, which is the easiest way to do this. Hackney carriage stands can also be designated under a Traffic Regulation Order.
- 5.7 A map of the proposed location of the hackney carriage stands is appended at Appendix B
- 5.8 At a meeting of the Licensing Committee on Tuesday 23rd October 2012, members resolved to:
1. That the Licensing Committee appoint a hackney carriage stand for three hackney carriages at South Street, Bacup under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
 2. That the hackney carriage stand hours of operation be Monday to Sunday, 24 hours.
 3. That all matters relating to the appointment of the hackney carriage stand be delegated to the Licensing and Enforcement Manager in consultation with the Chair of the Licensing Committee.
- 5.9 At a meeting of the Licensing Committee on Tuesday 4th December 2012, members resolved to:
1. That the Licensing Committee appoint a hackney carriage stand for six hackney carriages at South Street, Bacup (South Side) under Section 63 of the Local Government

(Miscellaneous Provisions) Act 1976.

2. That the hours of operation should be Monday to Sunday, 24 hours.
3. That the Licensing Committee appoint a hackney carriage stand for two hackney carriages at South Street, Bacup (South Side) under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
4. That the hours of operation should be Monday to Sunday, 24 hours.
5. That the Licensing Committee appoint a hackney carriage stand for Five hackney carriages at King Street, Bacup under Section 63 of the Local Government (Miscellaneous Provisions) Act 1976.
6. That the hours of operation should be Monday to Sunday, 24 hours.
7. That the Licensing Committee delegate all matters relating to the appointment of the above hackney carriage stands to the Licensing and Enforcement Manager in consultation with the Chair of the Licensing Committee.

5.10 Local Government (Miscellaneous Provisions) Act 1976 S.63(2) states:

“Before appointing any stand for hackney carriages or varying the number of hackney carriages to be at each stand in exercise of the powers of this section, a district council shall give notice to the chief officer of police for the police area in which the stand is situated and shall also give public notice of the proposal by advertisement in at least one local newspaper circulating in the district and shall take into consideration any objections or representations in respect of such proposal which may be made to them in writing within twenty-eight days of the first publication of such notice.”

The notices are appended at Appendix C. Members should note that the proposed three hackney carriages on South Street, Bacup was advertised twice.

5.11 Local Government (Miscellaneous Provisions) Act 1976 S.63(3) states:

Nothing in this section shall empower a district council to appoint any such stand —

- a) so as unreasonably to prevent access to any premises;
- b) so as to impede the use of any points authorised to be used in connection with a [local service within the meaning of the Transport Act 1985] [or PSV operator's licence granted under [the Public Passenger Vehicles Act 1981]], as points for the taking up or setting down of passengers, or in such a position as to interfere unreasonably with access to any station or depot of any passenger road transport operators, except with the consent of those operators;
- c) on any highway except with the consent of the highway authority;

and in deciding the position of stands a district council shall have regard to the position of any bus stops for the time being in use.

5.12 A number of objections have been received and these have been appended at Appendix D & Appendix E of this report.

5.13 Information has been received to suggest there has been a change to the bus routes in Bacup and Rossendale Transport have been contacted to clarify their position. Members should note that at the time of writing this report, no response has been received however there have been some changes to the directors within Rossendale Transport and it is anticipated that a response will be received soon and made available for members at the meeting.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no specific financial implications

7. MONITORING OFFICER

7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

8. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

8.1 There are no specific human resources implications.

9. CONSULTATION CARRIED OUT

- 9.1
- Lancashire County Council – Highways
 - Lancashire Constabulary
 - Taxi Liaison Group
 - Rossendale Transport Limited
 - General public through legal notices

10. CONCLUSION

10.1 To consider the report and make the appropriate determination

There are no background papers

Appendices	
Document	Appendix Number
Hackney carriage stands appointed under section 63 of the Local Government (Miscellaneous Provisions) Act 1976 by Rossendale Borough Council	Appendix A
Map of the proposed location of the Hackney Carriage Stand	Appendix B
Legal notices	Appendix C
Objections to South Street proposals	Appendix D
Objections to King Street proposal	Appendix E